IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Bail Appl..No. 7234 of 2006()

CRIME NO.276/1996 OF ATTINGAL POLICE STATION

PETITIONER/1ST ACCUSED

RAJU, S/O. SADASIVAN,
ARIPPOTTUVILAKOM VEEDU, AZHOOR DESOM,
AZHOOR VILLAGE.

BY ADV. SRI.M.DINESH

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.7234 of 2006

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Dated this the 6th day of December, 2006.

ORDER

Petitioner, who is the first accused in Crime No.276 of 1996 of Attingal Police Station for an offence punishable under Section 419 read with Section 34 I.P.C., seeks anticipatory bail.

2. Admittedly, consequent on the alleged non-appearance of the petitioner in C.C.No.763 of 2000, the case against him was split up and re-filed as C.C.No.586 of 2004. A non-bailable warrant of arrest was issued against him. The case against him was subsequently transferred to the long pending register and registered as L.P.No.77 of 2005. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed after considering the explanation

offered by the petitioner for his previous non-appearance.

This application is dismissed with the above direction.

V.Ramkumar,
Judge.

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